

AF/GOM 2811
#34
81
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Bulucea, Constantin; Rossen, Rebecca

Assignee: Siliconix incorporated

Title: TRENCH DMOS POWER TRANSISTOR WITH FIELD-SHAPING
BODY PROFILE AND THREE-DIMENSIONAL GEOMETRY

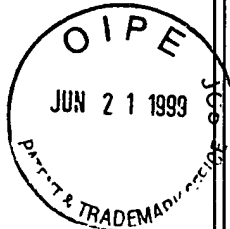
Serial No.: 08/851,608

Filed: 05/05/97

Examiner: J. Carroll

Group Art Unit: 2811

Docket No.: M-799-4C US



San Jose, California
June 17, 1999

BOX AF
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

**Transmittal Letter Accompanying Corrected Appeal Brief
Under 37 C.F.R. § 1.192(c)**

Dear Sir:

In response to the Notification of Noncompliance with the Requirements of
37 CFR §1.192(c) ("Notification") in the above-referenced patent application, mailed June 3,
1999, Appellants submit herewith:

1. A corrected complete Appeal Brief; and
2. A Terminal Disclaimer To Obviate a Double Patenting Rejection Over a

Patent.

In the Notification, the Examiner states:

The Appellant failed to itemize pending Claims 49 and 63 under Section VII. GROUPING OF THE CLAIMS, recited on Brief pages 4 and 5, and further failed to indicate whether each of Claims 49 and 63 is separately patentable or, stands or falls together with some other Claim. Claim 49 stand rejected

RECEIVED
JUN 23 1999
TECHNOLOGY CENTER 2800

LAW OFFICES OF
SKJERVEN, MORRILL,
MacPHERSON, FRANKLIN
& FRIEL LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

525741 v1

- 1 -

SER. NO. 08/851,608

under 35 U.S.C. § 103 and each of Claims 49 and 63 stands rejected under double patenting considerations. Yet, incongruously, the Appellant concluded on Brief page 12 in Section IX CONCLUSION on Brief page 19, the Appellant indicated that a terminal disclaimer would be forthcoming upon express allowance of Claim 63. Until receipt of an acceptable Terminal Disclaimer, Claim 63 and all other pending Claims stand rejected under double patenting considerations, not expressly argued in the Brief.

In compliance with the above, the corrected complete Appeal Brief submitted herewith specifically itemizes Claims 49 and 63 under Section VII. GROUPING OF THE CLAIMS, and specifically states that each of Claims 49 and 63 is separately patentable. In addition, as in the Appeal Brief filed on March 8, 1999, Appellants included arguments showing that Claim 49 is patentable over the cited prior art. In addition, a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Patent is submitted herewith to obviate the Examiner's rejection under double patenting considerations. With these corrections, the Appeal Brief is believed complete.

Since Appellants had previously authorized, in conjunction with the Appeal Brief filed on March 8, 1999, a deduction from Deposit Account 19-2386, in accordance with the filing fee requirement under 37 C.F.R. § 1.17(c), Appellants believe that a filing fee for this corrected complete Appeal Brief is not required. However, if the Commissioner determines that a fee is required in conjunction with the filing of this corrected complete Appeal Brief, the Commissioner is requested to deduct from Deposit Account 19-2386 the necessary fee.

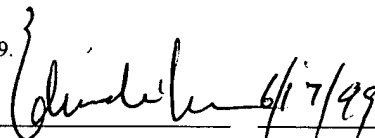
The Commissioner is also authorized to deduct from Deposit Account 19-2386, the amount of \$110.00, being the amount specified under 37 C.F.R. § 1.20(d) for filing a

Terminal Disclaimer, and any other fee necessary. The Commissioner is also authorized to refund to said Deposit Account any overpayment.

If the Examiner has any questions regarding the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Appellants at 408-453-9200.


I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, Washington, D.C. 20231,

on June 17, 1999.


Attorney for Applicant(s)

6/17/99
Date of Signature

Respectfully submitted,


Edward C. Kwok
Attorney for Appellants
Reg. No. 33,938